

**CONSUMER GRIEVANCE REDRESSAL FORUM,
MSEDCL, BMTZ, BARAMATI.**

Case No.: 14/2015

Date of Grievances: 15/12/2015

Date of Order: 15/02/2016

In the matter of change of change of tariff category from Industrial to Agriculture.

Tulajabhavani Cold Storage Pvt.Ltd.,
Plot No.D-19, MIDC, Baramati
Dist.Pune- 413102

Complainant

(Herein after referred to as Consumer)

Versus

Superintending Engineer,(BRC)
M.S.E.D.C.L.,O&M, Circle, Baramati.

Opponent

(Herein after referred to as Licensee)

Quorum

Chairperson	Mr. Shahaji N.Shelke
Member	Mr. Suryankant S. Pathak
Member Secretary	Mr. Ravindra L.Rajandekar

Appearance:-

For Consumer: - Mr. Dhananjay Gaikwad (Representative)

For Respondent: - Mr.Koshor Patil, Executive Engineer (Adm.), MSEDCL,
O&M Circle, Baramati.
Mr.P.E.Devkate, Addl.Ex.Engr., Baramati Sub/dn.
Mr.M.D.Ghume, E.E., Baramati Division.
Mr.D.Tarange, Dy.E.E., Baramati.
Mrs.Nanda Mahale, Jr. Law Officer

1. The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF& E.O.) Regulations 2006.
2. Being aggrieved & dissatisfied by the order dated 03/12/2015 passed by IGRC Baramati Circle, Baramati, thereby, rejecting the grievance, the consumer above named prefers the present grievance application on the following amongst other grounds.

3. The papers containing the above grievance were sent by the forum to the Superintending Engineer, O&M Circle, Baramati vide letter No. EE/CGRF/BMZ /No.6478 Dated 15/12/2015. Accordingly the Distribution License filed its reply on 18/12/2015.
4. We heard both sides at length, gone through the contention of the consumer and reply of the respondent & documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) The HT consumer M/s.Tulajabhavani Cold Storage Pvt.Ltd., connected on 26.5.2006 vide consumer no.186849040330 and categorized as HT-1 N.
 - ii) The consumer made application to Superintending Engineer, BRC, Baramati dtd.6.8.2015 for change of tariff category from Industrial to agriculture from 01.08.2009 as per tariff orders dated 16.8.2009 in Case No.116 of 2008, dated 21.2.2013 in Case No.19 of 2012 and dated 26.6.2015 in Case No.121 of 2014.
 - iii) The Licensee made spot inspection of the premises of the consumer verifying its load on 31.8.2015 and found that the consumer is using its load for storage of raw materials to be provided to the various other Industries such as Pepsico India, Dinamix Dairy, Indapur Dairy, Kuwait Dairy, Keshav Agro, Mapro Fruits etc.
 - iv) The Superintending Engineer, BRC, forwarded the application of the consumer to the Chief Engineer (Commercial), Head Office Mumbai for further guidance vide letter no. SE/BRC/T/HT/4382 dtd.10.09.2015.
 - v) Consumer moved the grievance to the IGRC BRC Baramati on 02.11.2015 for applying agriculture tariff and refund of excess amount paid by them from 01.08.2009 alongwith interest thereon from 01.08.2009. The IGRC rejected the grievance of the consumer since it is not filed within stipulated period of two years vide impugned order dated 03.12.2015.
5. We heard both the sides and perused the documents produced on record. It is revealed during the course of final hearing on 12.02.2016 that the present consumer has moved the said matter of change of tariff category before Hon'ble MERC on 10.08.2015 and the Hon'ble MERC has fixed the hearing of the said matter on 23rd Feb.2016. It is pertinent to note that as per Regulation No.6.7 of MERC (CGRF & E.O.) Regulations, 2006 the Forum shall not entertain a grievance where it is pending

in any proceedings before any court, tribunal an arbitrator or any authority
Regulation No.6.7 (d) reads as under :-

6.7 The Forum shall not entertained a grievance :-



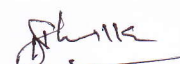
(d) where a representation by the consumer, in respect of the same Grievance, is pending in any proceedings before any court, tribunal or arbitrator or any other authority, or a decree or award or a final order has already been passed by any such court, tribunal, arbitrator or authority.

6. Therefore the present grievance is not tenable according to law and liable to be rejected.

Hence the order

ORDER

Grievance of the consumer stands dismissed with no order as to cost.

 R.L. Rajandekar Member/Secretary CGRF:BMTZ:BARAMATI	 Suryakant Pathak Member CGRF:BMTZ:BARAMATI	 S.N. Shelke Chairperson CGRF:BMTZ:BARAMATI
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Note:-The Consumer if not satisfied may file representation against this order before the Hon'ble Ombudsman within 60 days from date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, BandraKurla Complex,
Bandra (East), Mumbai-51.